

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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In re)
)
Amendment of Sections 74.1235,)
74.1231, 74.1232, 74.1233 and)
74.1284 of the Commission's Rules)
(Proposal for the Authorization)
of FM Translators for AM Stations))

RM-9419

* FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

TO: The Commission

COMMENTS OF
CHRIS W. KIDD d/b/a KIDD COMMUNICATIONS

Chris W. Kidd, d/b/a Kidd Communications, licensee of Standard Broadcast Station KTHO, South Lake Tahoe, California, hereby respectfully submits Comments in the above-referenced proceeding. Those comments are stated in the following, prepared by Mr. Kidd and transmitted to communications counsel by "e-mail".

1. Kidd Communications is the licensee of AM 590 KTHO, South Lake Tahoe, California. Our authorized daytime power is 2500 watts non-directional day and 500 watts directional night. Under the ACAMBA proposal KTHO would be eligible to own and operate and FM translator within its protected contour.

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2. KTHO has a wide regional coverage area during the daytime hours. In fact we have regular listeners who depend upon us from the interstate 80 corridor on the north, south, through all of the Lake Tahoe Basin, the Carson Valley and Carson City. However, once 4:45 pm comes in the wintertime, we loose the I-80 area, a good portion of North Shore and all of Western Nevada.

3. As I am writing this we are in the middle of storm watch 99 with road restrictions and closures and other emergencies in and around the Lake Tahoe basin. KTHO's storm coverage is presently reaching our wide coverage area, unfortunately, when night falls we will loose two thirds of that audience.

4. AM stations do not have the same right as FM stations to apply for AM translators or synchronous AM authorizations. As the Commission is aware a rule making was abandoned to allow AM station to apply for on channel synchronous broadcasts. Also, we cannot apply for a true translator, such as 50 watts on another AM channel.

5. The only alternative for AM station to retain lost audience at night is to build and operate separate day and night transmitter sites. As an example, this was done by two regional stations in Sacramento, California during the late

1970's. The station call letters at the time were KCRA on 1320 khz and KGMS on 1380 khz. The population of Sacramento County had moved from downtown and the south area, to the northeast and the east. Both facilities had to protect other stations in that direction, therefore the only solution was separate day and night transmitter sites. Both of these licensees built the separate night transmitter sites before the turn of the decade to the 1980's, the prohibitive land prices for transmitter sites and the huge anti-tower movement.

6. The foregoing illustrates a technical success story for two AM radio stations in an era gone by. If this problem were to arise today, it is unlikely that a separate night site would ever be built. Zoning problems, local government stonewalling, the prohibitive land prices today, and the overwhelming problem of the general public anti-tower movement did not exist twenty years ago. In addition, with the competition of FM stations, it makes it unlikely that an AM station owner would invest in a separate night facility.

7. There is not any location around the Lake Tahoe basin where KTHO would be permitted to construct a separate night time transmitter site. The only avenue for AM stations

to regain lost coverage at night is FM translators as a fill-in service.

8. Interference is not just limited to the nighttime. As years have gone by, man made interference has increased. Public utility water plants, electrical power plants and casinos have made AM reception increasingly difficult during both day and night hours and within the city grade contour.

9. There is also other interference from local AM stations. KOWL, which is also licensed to South Lake Tahoe, operates on 1490 khz. If you take the IF of 455 and double it to 910, subtract that from 1490 and you come out with 580 khz. KOWL which broadcasts on 1490 khz, also bleeds through on 580 khz for miles around their transmitter site. 580 khz is a first adjacent to KTHO's 590 khz which creates daytime interference and more interference at night when we must lower power.

10. We receive many listener complaints about this interference. Although an FM translator would not make it go away, it would provide an alternative for listeners who desire to listen to KTHO without interference.

11. FM translators for AM stations will not create any "Arizona" problem. For those not familiar, back in the 1980s there was runaway re-broadcasting of FM stations

considerable distance from their protected contour. This created unfair competition and caused an overhaul of the Commissions FM translator rules which now prohibit compensation to an FM translator licensee located outside the protected contour of the station which it is re-broadcasting.

12. The market place allowed this abuse because the stations that were re-broadcast were music format stations. No radio station can "own" any legal rights to any music format whatsoever. A music format is created through the talents of program directors and disc jockeys who have an ear for the music and know how to mix songs.

13. AM stations, play very little if any music. In addition to local news, public service and public affairs which KTHO does, we also have several national affiliations. This includes CBS news, Dr. Laura, Art Bell and others. Radio stations enter into affiliation agreements with national syndicator based upon their coverage at the time of signing. Any extension of that coverage which infringed upon the coverage of another affiliate could result in the cancellation of that affiliation agreement.

14. Therefore, because of the market place affiliation contracts which exist, this fact alone prohibits abuse by AM

stations which may be allowed to utilize FM translators. AM stations would only desire FM translators within their protected contour and not outside of it. In some cases an AM broadcaster would not want an FM translator in every area of it's protected contour due to these affiliation territories.

15. Now, in specific response to the ACAMBA proposal, there is a serious flaw. At the bottom of page 7, it states that it "Proposes to limit the locations of these translators to locations outside the point 5 millivolt contour of the AM station." The writer of this petition did not understand or was not fully informed of how the AM stations desire to utilize the proposed FM translators.

16. The purpose of FM translators for AM stations is to provide fill in service within the .5 millivolt protected contour. The purpose of the ACAMBA petition was supposed to be for AM stations to recapture areas of lost coverage due to the fact that they have to lower power at night. Therefore, part 73.1235, paragraph (a) is the solution for the AM stations. Paragraph (b) and beyond does not even apply because it regulates FM translators outside the protected contour of and FM station. There is no need for any such translators for AM stations.

17. Although I could not find it in the rules, we all are aware that alternative methods of signal delivery (microwave) are permitted for fill-in translator service. We define fill-in translator service where a translator's one millivolt contour is fully contained within the mother stations protected contour. Because we are proposing fill-in service only, the alternative signal delivery method (microwave) must also be permitted for AM stations.

18. Due to an earlier cutoff date for this rule making, many comments have already been filed. I enjoyed reading comments from other AM stations with many of the same service agendas, such as reporting road, weather, school closings and other public service and public affair programs. I hear the same problems, lost coverage at night!

19. We have also heard about the financial hardships of stand alone AM stations. If AM stations are allowed to utilize FM translators, it will not be a financial windfall for them, instead it will be a vehicle for survival for the oldest broadcast service, AM stations!

20. There was some confusion from a non-AM station owner. This person thought that ACAMBA may have been proposing to broadcast on the FM translators during the nighttime hours only. This is certainly not the case. As

stated herein earlier, AM stations suffer man made interference during daytime hours as well as night time. In addition, a service cannot survive if it does not broadcast on its frequency all the time.

21. In regard to ACAMBAs request to allow FM commercial translators in the educational band, I propose as an alternative that the commission prohibit educational FM translators in the commercial band. Furthermore, existing non-commercial FM translators operating in the commercial band should be classified as secondary status to any new translator applications which proposes to re-broadcast a commercial service.

22. Finally, ACAMBA proposal specifies that AM stations eligible for FM translators must not be licensed for more than 2500 watts day and 500 watts at night. There is obviously a legal and fairness question here. Kidd proposes that criteria be opened up to stations up to 5000 watts daytime, who have to lower their power to 1000 watts or less at night. This would open up the eligibility to a significant amount of AM stations thereby increasing the opportunity for the continued survival of AM operators and diversity of ownership.

23. In reference to RM-9208 and RM-9242, the Commission states that "ACAMBA's proposal is not sufficiently related to our instant goals of increasing broadcast diversity, fostering localism, and expanding opportunities for new entrants for it to be considered in this proceeding".

24. The Commission must look at the big picture here. The net increase in diversity is the most important here. The public will not gain 100 new voices if 80 AM stations are either sold to a major group or some of them go dark. The FM translators can be the inspiration not to sell out.

25. FM translators for AM stations will be one of the strongest forces in fostering localism. Yes, the AM stations are already a voice in the community. However, the simulcast on the FM band will literally open doors of concrete buildings (where the AM signal can't be heard) along with opportunities of public awareness that AM stations haven't had for years.

26. Expanding opportunities for new entrants in broadcasting is very important. If an independent operator sees a stand alone AM station for sale and knows he can acquire an FM translator, he will more likely buy that station and become a new entrant.

27. The LPFM proposal is already out for rule making. The AM/FM translator proposal is only out for comments. Although these are separate proceedings, there are some overlapping issues which could conflict or preclude each other. Therefore, in fairness to all, on behalf of all interested AM stations, we respectfully request expedited service on these comments. It is necessary for this translator rule making to catch up with the LPFM rule making so the first does not have a preclusionary effect on the second.

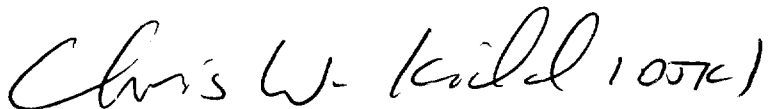
28. Should anyone desire to serve reply comments to the writer, the address is:

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Respectfully submitted,

CHRIS W. KIDD d/b/a KIDD COMMUNICATIONS

By



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Dennis J. Kelly
His Attorney

February 10, 1999

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing "Comments" were served by first-class United States mail, postage prepaid, on the 10th day of February, 1999, upon the following:

Mr. Bryan Smeathers, President
American Community AM Broadcasters Association
One WMTA Drive
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Dennis J. Kelly